

Minutes of the Zoning Board of Appeals Meeting held on May 8, 2019 at 7:30PM

Present: Karen Ungerer, Chairwoman
Kevin Abrams, Joseph DeVenuto, Gary Kestenbaum
Absent: Craig Brady
Also Present: Robert Dickover, ZBA Attorney; Phillip Grealy, Traffic Consultant; Jesus Gomez, Trustee; Andrew Giacomazza, Trustee; Maria Hunter, Planning Board; Sandy Capriglione, Planning Board; Chris Gerver, Planning Board

Chairwoman Ungerer, stated to be kind, courteous, speak to the Board, not the public; she stated that decisions are based on New York State Zoning Code and the law. She then went on to say it is at the discretion of the applicant how they want to proceed due to the board missing one member.

1. Executive Session: N/A

2. Approval and Acceptance of Previous Minutes:

Motion was offered by K. Abrams, seconded by G. Kestenbaum, to approve and accept the minutes of the meeting held on April 10, 2019. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:

ADOPTED	AYES	4	Ungerer, Abrams, DeVenuto, Kestenbaum
	NOES	0	
	ABSENT	1	Brady

3. New Business – n/a

4. Action on Decisions – n/a

5. Public Hearings -

A. The Shops of Woodbury, LLC –

Continuation of Public Hearing for area variances and interpretation. Applicant proposes to construct a commercial center and hotel having a lot area of 9.65 acres. The height of the proposed hotel is 60 ft. high, whereas, pursuant to Section 310-7 bulk regulations, the maximum height permitted is 35 ft. Furthermore, the applicant requires an interpretation as to whether a hotel is permitted as part of a commercial center pursuant to Section 310-49(c)3. In the alternative, the applicant is requesting an area variance from the minimum lot area required pursuant to Section 310-6f. Said property is located in the IB Zoning District off of the intersection of State Route 32 and Locey Lane in Central Valley and is known on the Village of Woodbury Tax Maps as Section 225 Block 1 Lots 34.1 & 34.2.

Motion was offered by G. Kestenbaum, seconded by J. DeVenuto, to carry over and continue the public hearing to the June 12, 2019 meeting, as per the applicant's request. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:

ADOPTED	AYES	4	Ungerer, Abrams, DeVenuto, Kestenbaum
	NOES	0	
	ABSENT	1	Brady

B. ALDI Inc. –

Public Hearing for an area variance to permit 2 wall signs both having 5 colors (corporate logo). Whereas, pursuant to Sections 310-30(2)(D) and 310-30(D)(1)(e), no more than two types of signage are permitted and no more than four colors are permitted. Said property is located in the IB Zoning District within Woodbury Centre at 43 Center Drive in Central Valley and is known on the Village of Woodbury Tax maps as Section 225 Block 2 Lot 1.12.

Timothy Scheg and John Eckman, representatives from ALDI approached the podium. Chairwoman Ungerer stated that the code allows two signs and they are asking for two signs, so that needs to be clarified. Timothy Scheg stated they are asking for two signs: one on the store front and one on the store side which is

consistent to the existing KOHLS sign. The total sign area of the two signs combined will be 240 square feet and less than 10% total wall area. The sign colors are consistent with the ALDI corporate logo and create a harmonious appearance to the sign. Their consumers know what to look for so, they are requesting the specific colors and they would need a variance because their sign has 5 colors. Each of these signs will each be approximately 10' wide by 12' high. The first sign would be located on the northwest side of the tower of the building and would face the main parking lot to the north. The second sign would be located on the southwest side of the tower of the building and would face to the southwest towards U.S. Route 6. Chairwoman Ungerer, stated that the Hampton Inn wrote a letter saying that there was site plan conditions that would not allow a sign of that size on the side of the building facing Route 6, due to them submitting the letter today, the board did not have a chance to look into it, so they are going to have to continue the hearing until the June 12th meeting.

Neil Crouse stated that he was part of the committee that did the sign ordinance; he stated they didn't want Route 32 to look like a circus; however this being their corporate colors and the public knowing how to identify the corporate signage he would be in support of the five colors.

Motion was offered by K. Abrams, seconded by J. DeVenuto, to carry over and continue the public hearing to the June 12, 2019 meeting. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:

ADOPTED	AYES	4	Ungerer, Abrams, DeVenuto, Kestenbaum
	NOES	0	
	ABSENT	1	Brady

C. Osweiler_–

Public Hearing for a use variance to permit the use of an existing building containing a non-conforming use to operate a taxi dispatch office. Whereas, pursuant to section 310-43.2(b)(3), any nonconforming use "shall not be changed to another non-conforming use without the approval by the Zoning Board of Appeals and then only to a use which, in the opinion of said board, is one of the same or of a more restrictive nature". Said property is located in the R0.25A Zoning District at 19 Adams Street in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 220 Block 2 Lot 15.1.

K. Abrams recused himself.

Mr. Ed Romine the owner of the Osweiler Building stated he is the owner of the property. It was originally a paving company, when he purchased it he operated it as an office and vehicle storage for a scales maintenance and repairs operation. When his partner passed away he continued the operation until he retired in 2017 when he sold his business but not the building. He currently lives in North Carolina on a fixed income and is having a lot of trouble selling the property. The purchaser of the property is requesting a variance for the operation for a dispatch office and taxi business. They have plans to make part of it a garage and more office space. Chairwoman Ungerer, stated they see no business plan or description which they are going to need they also asked that they owner obtain affidavits from people that he has worked with. J. DeVenuto asked where the cars will be stored when they are not there, he would like more information. Mr. Osweiler stated in his application that he sold the business, but not the building, and that he was on a fixed income. At the meeting, however, he stated that he still worked part time from that location in order to help pay the taxes. He referred to himself as "semi-retired". Neighbors of the building stated that the building has had no activity for more than a year. The board requested proof that he was working from that location.

Mr. Scott Dutcher, Mr. Rob Stauffer, Ms. Laura Stevens, Mr. Mike Essiq, and Mr. Melvin Mahea all spoke about the safety of the children that are frequently on Adams Street and the park and baseball fields that are adjacent to the Osweiler property. Mr. Andrew Zummis stated he has empathy for Mr. Romine, due to the building being a non-conforming building it is difficult to find a conforming use for this property.

Motion was offered by J. DeVenuto, seconded by G. Kestenbaum, to carry over and continue the public hearing to the June 12, 2019 meeting. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:

ADOPTED	AYES	3	Ungerer, DeVenuto, Kestenbaum
	RECUSED	1	Abrams
	NOES	0	
	ABSENT	1	Brady

D. Falkowitz –

Public Hearing for a use variance and special permit to demolish and rebuild a dwelling containing a non-conforming 3 family and replacing it with a 2 family dwelling. Pursuant to Section 310-43.2(B)(3) a non-conforming use "shall not be changed to another nonconforming use without the approval of the Zoning Board of Appeals and then only to a use which in the opinion of said Board is of the same or more restrictive in nature." Furthermore, the applicant proposes to expand the non-conforming dwelling by up to 10%, whereas, pursuant to Section 310-43.2(C), the Zoning Board of Appeals may issue a Special Permit for the expansion of a non-conforming use of a building provided the expansion meets certain criteria set forth in Section 310-43.2(C)(1)(2) of the Village Code. Said property is located in the R2A Zoning District at 12 Skytop Road in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 217 Block 3 Lots 4

G. Kestenbaum requested of the lawyer to make sure he references the documentation due to having so much paperwork on this application. Chairwoman Ungerer recapped the application. Last July the applicant came before the board for a use variance to demolish the existing 3 family home and construct another 3 family home. The application was then withdrawn because they couldn't meet the use variance requirements. Mr. Myrow stated he was not representing them at that time. Chairwoman Ungerer then stated: November of the same year the applicant came before the board for an area variance with two plans, and Mr. Myrow as their attorney. At that point they wanted to demolish and rebuild, and the Zoning Board informed the applicant that once the building is demolished and rebuild, they lose the protection of the non-conforming use and would have to rebuild to a conforming use. A letter was sent to the Building Inspector in February asking if going from a three family to a two family was less restrictive, the letter also involved a two story add on and a 10% increase in the footprint and a few court cases were cited. The Building Inspector stated that the non-conforming protection was lost with the demolition and you had to rebuild with a conforming use with a no more than a 10% increase of the floor area. Mr. Myrow stated that the ZBA was advised by counsel and the Building Inspector that an expansion to the second floor was not available to the applicant as an area variance because they were limited to only grant the 10% expansion pursuant to that one section of the footprint. However he then stated that it's not only the demolition that is going to get them in trouble. They are asking when they rebuild this place as a two family that they are allowed to demolish and rebuild the entire structure. The applicants engineer stated the foundation is shot and it would basically be impossible for them to do it in stages and that is one of the things they are asking of the board tonight. So they want to not use the non-conforming use when they go from a three family to a two family, allow a 10% expansion and permit them to do it in one shot because the property has a lot of structural problems.

(All references to 10% should refer to **floor area** unless otherwise noted.)

Chairwoman Ungerer stated she believed the demolition was a big issue. If the applicant demolishes they lose their non-conforming use. Mr. Myrow stated yes unless they do it with permission from the board. Mr. Myrow then stated what they submitted to the board is a drawing based on the demolition direction. He then went on to say, that in order for them to proceed they are going to have to submit a new drawing showing the purposed house with the expansion of 10% over the existing footprint and if that's approved it then it goes to the Building Inspector to issue a building permit and inform them as to what they are and are not permitted to do. K. Abrams stated he does not believe that it will have any effect. Mr. Myrow stated the ZBA would give them a variance to expand the existing footprint by 10%. J. DeVenuto stated square footage was the right terminology, then went on to say if the house is going to be rebuilt it is going to have to be a one story building. J. DeVenuto then wanted to know how they go from having 1800 sq. ft. to 2848 sq. Mr. Myrow, stated the calculation is on the bottom of the map. J. DeVenuto stated he disagrees because it says 10% floor area and that is a lot more than 10%. K. Abrams, stated we need to just make a decision, are we going to give them a variance or not. Chairwoman Ungerer stated if they go by the code and they demolish at this point it is non-conforming, so it doesn't matter at this point how many sq.ft. it is, it is still non-conforming, so a decision has to be made.

Mr. Myrow then asked for an adjournment so they can revise the plans. Chairwoman Ungerer stated it has to be a conforming use. Mr. Myrow said it doesn't have to do, because they will not demolish. Chairwoman Ungerer asked if the public had anything to say on this application. With no one from the public having anything to say Chairwoman Ungerer requested the board to make a decision to either close or keep the public hearing open.

Mr. Myrow stated he asked for an adjournment, and since there are only four board members he has the right to keep it open. He then stated he needs some direction from the board. Chairwoman Ungerer, stated if the applicant is going to demolish what is currently there, you lose the protection of the non-conforming use. J. DeVenuto requested Mr. Myrow to clarify due to the multiple plans that were submitted and the dance from plan to plan. Chairwoman Ungerer stated it is non-conforming. J. DeVenuto, asked if they were to build this a section at

a time is the applicant coming back to renovate the existing house. Mr. Myrow stated he is coming back with a plan that is going to show a 10% expansion of the house located exactly where the house is now. J. DeVenuto then asked a 10% expansion of what? Mr. Myrow stated the square footage. J. DeVenuto corrected him with "floor area" not square footage.

With nothing further to discuss a motion was offered by G. Kestenbaum, to keep the public hearing open.

No Second, Motion Failed

G. Kestenbaum withdrew his motion

Mr. Myrow stated that in the beginning of the meeting the Chairwoman Ungerer stated that he would have the option to wait for a full board.

Motion was then reinitiated by G. Kestenbaum, seconded by Chairwoman Ungerer to carry over and continue the public hearing to the June 12, 2019 meeting. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:

ADOPTED	AYES	2	Ungerer, Kestenbaum
	NAYS	2	Abrams, DeVenuto
	ABSENT	1	Brady

Chairwoman Ungerer stated a tie vote is a no. Attorney Dickover, then stated there is no action on the motion. The option is to grant the relief, or don't grant the relief or renew the motion.

Motion was offered by Chairwoman Ungerer, seconded by J. DeVenuto, to close the public hearing. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:

ADOPTED	AYES	4	Ungerer, Kestenbaum, Abrams, DeVenuto
	NAYS	0	
	ABSENT	1	Brady

Mr. Myrow stated he wants to advise the Board that he will be withdrawing his application in its entirety.

Mr. Myrow, stated that the board had a lot of questions and he has never not been able to ask for an adjournment and be granted said adjournment. G. Kestenbaum, stated they have 60 days to make a decision and allow the applicant to submit any additional information.

Attorney Dickover stated that it would be more economical of the board to keep the public hearing open, receive whatever documentation that the applicant has to submit and hear what he has to say because if its closed and Mr. Myrow withdraws he would have to re-submit an application, get another determination from the Building Inspector and the Board will be right back here a couple of months from now. It may be more expeditious to leave the matter open and receive the additional materials and then consider the application in its totality at that point. K. Abrams stated he is not going to change his mind on this.

Chairwoman Ungerer made a motion, seconded by G. Kestenbaum to rescind her motion of closure on the matter and to keep the public hearing open. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:

ADOPTED	AYES	2	Ungerer, Kestenbaum
	NAYS	2	Abrams, DeVenuto
	ABSENT	1	Brady

Motion Failed

Applicant withdrew application

9 Minute Break was taken.

E. Pulver/Rushmore Estate Winery –

Public Hearing for an area variance to permit the proposed use of a farm winery. Whereas, pursuant to Section 310-39.1(B), winery access must be to NYS Route 32 and applicant proposes access through Quaker Road (Village Road) and Ice House Road (Private Road). Said property is located in the R1A Zoning District at 14 Castleton Drive in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 202 Block 1 Lot 70 & 79.

The applicants traffic consultant stated an evaluation of the proposed improvements to Ice house Road, which will improve it from a narrow private road, to a two-lane gravel road designed to meet current standards will function as an appropriate roadway to accommodate the anticipated traffic to be generated by the proposed

Winery on a busy day. The proposed improvements will accommodate this level of traffic with a significant reserve capacity to accommodate additional traffic. It will accommodate emergency vehicles, patrons, and delivery to the Winery, as well as the individual homes located on this road. It is his opinion the improved road will be substantially better than the existing road serving the six homes and the subject property. It was previously noted that the Ice House Road approach to Quaker Road should be controlled with a Stop sign and maintain appropriate Intersection sight distance should be provided. It is also important to note that Ice house Road will be improved to provide a wider pavement and the alignment of the road will be modified to meet current standards. Therefore, it is important to keep in mind that the existing road alignment and width will be modified to address current standards. He then stated that other uses that are permitted on this property would generate a lot more traffic, for example a school or a recreational facility. The traffic consultant stated that it is estimated that the traffic on Ice House Road will be approximately 155 vehicles during both the Saturday and Sunday midday peak hour conditions with a very busy seasonal condition at the Winery. The roadway such as Ice House Road has a theoretical capacity of 2,800 vehicles; however, after applying appropriate adjustments, it is likely this road will be in the range of having capacity of 1,000 vehicles during any on hour. J. DeVenuto, stated that 150 people an hour everyday would not be the same, he then asked what the projection on a day to day would be normal. Traffic consultant then stated that from 12-6 is a peak day on Saturday and Sunday the highest would be 215 unless there is an event. J. DeVenuto then stated then it could be 500-600 vehicles. Chairwoman Ungerer stated the boards concern is more about the amount of traffic and how it impacts the people on these roads, not how many cars go back and forth per hour. K. Abrams stated the board keeps getting all this info, in 2003 the planning board chair stated Ice House Road should be deeded to the residents of Ice House Road. Village law says a winery must have access to/on Route 32. This applicant is asking for a 100% variance. Maybe there is a reason they put that law into effect. He then asked the board to get to the point and answer yes or no on this application. G. Kestenbaum requested documentation about safety, he said acceptable doesn't equal safe. Mr. Myrow stated they will add yield signs and stop signs on Evans, Quaker and Ice House. G. Kestenbaum asked if there was a business on that property and the applicant stated yes. He then asked why not utilize Castleton Road to Brigadoon Blvd with its close proximity to Route 32? Mr. Myrow then stated if the board will grant the variance and allow the winery then they will do the research for Castleton and Brigadoon. J. DeVenuto then questioned the road and what it would consist of due to it being graveled now. Mr. Larry Terror a Civil Engineer stated it will ultimately be a 24 foot wide macadam road with shoulders on the side. J. DeVenuto, asked the applicant what his vision was, how many acres is in this vision and how much would be under cultivation? Mr. Pulver stated he owns 55 acres, 5 of those acres would be physically disturbed. He would phase it gradually and wants to do it in stages. Chairwoman Ungerer stated he would need to obtain a farm winery license, liquor license, and a marketing permit. J. DeVenuto, then asked if they had a plan for wine tasting sessions and Mr. Pulver stated he has not gotten that far yet with his plan.

Laurie Callahan, CEO of Orange County Partnership and Tourism; Bill Thouranty on behalf of the Orange County Executive; Linn Allen of the Orange County Chamber of Commerce Board all stated this would be a perfect tourism attraction, it would bring jobs and pour thousands of dollars into the local community. The winery being "off the beaten path" as well as being a historical landmark would be a huge draw for tourism. They also all stated that Mr. Pulver is a pillar of his community and is very invested in his community.

Mrs. Robin Crouse stated she is 100% opposed to this variance, she then stated she has lived on a private road for the past 36 years with only one way in and one way out and she can't imagine if a winery were to be put on her road. It is not just the winery, there will be weddings and parties at the expense of the health and safety of the residents that live on that road.

Samantha Armstrong stated she lives in Brigadoon and will be directly affected by this, she along with 200 people signed a petition to allow for the winery; she stated it is a welcomed opportunity and it will create more jobs and revenue for the Village. Russel Cohen, Robert Owens, John Shafron, David Lieterman, Bill Schafer, Christine Villrachi, Jodie Cohen, Patrick Jenkins, and Neil Meyers all stated that Dr. Pulver is an amazing man; they stated he is dedicated to maintaining the land and developing the beauty of his property. They all talked about Dr. Pulver running a classy establishment and they all wish to voice their support on this venture.

Mr. & Mrs. Taporn stated they live on Quaker Road and this will be in their back yard they wondered why the safety of the residents is not an issue. They also don't understand why they are not utilizing Brigadoon Blvd, due to the easy access and Brigadoon having a turning lane.

Mr. John Kuklis, stated he did his own study and there have been 7 accidents in the past 10 years from people trying to make the turn on Quaker.

Maria Hunter stated she is a resident of Woodbury and will recuse herself if and when this application is in front of the Planning Board. She stated the board needs to look into the resolutions of approval from Rushmore Estate from 2002 and 2003 when Brodsky was supposed to close the road and deed the road to the residents.

Warren Martin stated Mr. Pulver owns the property and pays his mortgage he has an inherent right to improve his property. Having the winery serves a lot of purposes. He then asked the board if they want another 50-60 houses or 600 condos on that land. He believes that it would serve the community and preserve the land to allow Pulver to have his winery.

Chairwoman Ungerer then stated a letter written by the Village of Woodbury's Highway Superintendent stating the following:

Quaker Road and Evans drive, both of which are Village roads are fairly new roads and can certainly handle additional traffic as the roads are built to handle such. If this project does in fact go back to the Planning Board for review, I do and will have some requests regarding additional drainage and traffic safety devises including but not limited to property MUTCD signage, possible road striping, and paving intersection of Icehouse Road and Quaker Road.

Phillip Grealy a traffic consultant for the Village stated he reviewed the April 23rd submission and they followed the standard procedures. The Capacity of the road ways are good as long as they do what they say and repave and improve it. He then stated at the end of the day if this project proceeds they will still need to go to the DOT, he also said that they may need a traffic signal, but that's for the Planning Board to discuss when they receive the accident data. G. Kestenbaum wondered the practicality of going up Brigadoon to Castleton. Mr. Grealy stated he knows the history of the area and they would still need a variance, but Brigadoon has a turning lane. He stated he doesn't see capacity issues, but it hasn't been studied, however the left turning lane is a positive thing.

Motion was offered by K. Abrams, seconded by J. DeVenuto, to carry over and continue the public hearing to the June 12, 2019 meeting. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:

ADOPTED	AYES	4	Ungerer, Abrams, DeVenuto, Kestenbaum
	NOES	0	
	ABSENT	1	Brady

Another Break was taken at 11:10 pm.

F. Brach –

Public Hearing to appeal violation order #2019-012 issued by the Building Inspector for exceeding the permitted height and location limitations for fencing placed in the side and front yard. In the event the ZBA upholds said violation, the applicant seeks an area variance to permit a portion of the solid 48 inch high fence in the front yard to remain. Pursuant to Section 146-7(A) of the Village code, fencing in the front yard shall be uniformly less than 50% solid. Furthermore, the applicant has erected 6 ft. high solid fencing in a side yard, whereas pursuant to Section 146-5(B) and 146-7(A) fencing in a side yard shall not exceed 4 feet high and shall be less than 50% solid. Said property is located in the R2A Zoning District at 273 Seven Springs Road in Highland Mills and is known on the Village of Woodbury Tax Maps as Section 213 Block 1 Lot 67.

Mr. Gottlieb, the applicant's attorney as well as the board members discussed the application. They decided that the notice of violation did not need to be discussed at this time. The area variance to permit a 6foot high fence in the side yard was discussed using the following 5 questions:

The following responses were provided in the "Statement of Ownership and Interest" provided by the applicant for a use variance and the Boards decision on each question follows:

1. *Will the granting of this variance produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties?* The project will not result in an undesirable change in the neighborhood nor be a detriment to the surrounding properties. **The Board Agreed.**
2. *Can the benefit you seek be achieved by some other feasible method other than variance?* The proposed fence was constructed at 6 feet in height to address a significant safety concern for the residents of the property. The only alternative available to address the safety concern would be to re-grade the

property to eliminate the existing steep slope. **The Board Agreed.**

3. *How substantial is the variance that you are requesting?* Although the requested variance is substantial in terms of percent (50%) The difference in fence height from 4 to 6 feet for the limited portion of the fence in the rear yard of the property will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. The fence was built as of right pursuant to a building permit and, thus, no further disturbances of the land will occur if a variance is granted.

The Board Agreed

4. *Will the granting of the variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?* The requested area variance for a 2-foot difference in fence height in the side yard of the property is not substantial. In considering whether a variance is substantial the ZBA shall examine the totality of the circumstances of an application. The requested variance is not substantial because it is only requesting a 2-foot variation from the height limitation for side yard fences contained in the Village code, and only for a limited portion of the existing fence. The fence already complies with the 4-foot height limitation from the front footprint of the residence to its terminus near Seven Springs Road. Moreover, the Village Code permits 6-foot fencing in rear yards, which the Village Code defines as from the back property line to the rear building line in the rear yard. Thus it is only the front side yard from the residence to the back of the Property where a variance is proposed to address the significant safety concerns for children on the property. **The Board felt it was significant and disagreed with the applicants answer.**

5. *Is the alleged difficulty self-created?* The alleged difficulty is not self-created, but is instead the result of the applicant seeking to provide a safety measure for young children reside at or on the property. Although the existing grade was created during construction of the residence on the property, creation of the grade level was presumably approved by the Village during the permitting process for the residence. **The Board feels that it was self-created and they disagree with the applicants answer.**

Motion was offered by K. Abrams, seconded by G. Kestenbaum, to have the lawyer draft a positive decision to allow the applicant the area variance for the portion of the front side yard fence to be 6 feet. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:

ADOPTED	AYES	4	Ungerer, Abrams, DeVenuto, Kestenbaum
	NOES	0	
	ABSENT	1	Brady

Motion was offered by K. Abrams, seconded by J. DeVenuto, to agree with 146-7A and uphold the Building Inspectors interpretation that the fence is more than 50% solid. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:

ADOPTED	AYES	4	Ungerer, Abrams, DeVenuto, Kestenbaum
	NOES	0	
	ABSENT	1	Brady

Motion was offered by K. Abrams, seconded by J. DeVenuto, to disagree with the Building Inspector about the fence being less than 6 inches away from the property line. Ungerer conducted a roll call of the Board which resulted in the motion being:

ADOPTED	AYES	4	Ungerer, Abrams, DeVenuto, Kestenbaum
	NOES	0	
	ABSENT	1	Brady

Motion was offered by K. Abrams, seconded by G. Kestenbaum, to close the public hearing. Chairman Ungerer conducted a roll call of the Board which resulted in the motion being:

ADOPTED	AYES	4	Ungerer, Abrams, DeVenuto, Kestenbaum
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NOES	0	
ABSENT	1	Brady

6. Building Inspectors Report

7. Deliberations on closed Public Hearings: Please see above on Brach Decision only

8. Adjournment:

With no further business to discuss, a motion was offered by K. Abrams, seconded by J. DeVenuto, to adjourn the meeting at 12:09 AM on May 9, 2019.

ADOPTED	AYES	4	Ungerer, Abrams, DeVenuto, Kestenbaum
	NOES	0	
	ABSENT	1	Brady

Jessica McClennan, ZBA Secretary